

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

www.montgomerycountymd.gov/content/council/boa/index.asp

(240) 777-6600

Case No. S-2774

PETITION OF EUROMOTORCARS, INC.

OPINION OF THE BOARD

(Opinion Adopted January 5, 2011)

(Effective Date of Opinion: February 10, 2011)

Case No. S-2774 is an application for a special exception, pursuant to Section 59-G-1.21 of the Zoning Ordinance, to permit an "Indoor/Outdoor automobile sales" business. The Hearing Examiner for Montgomery County held a public hearing on the application on November 2, 2010, closed the record in the case on November 9, 2010, and on December 8, 2010 issued a Report and Recommendation for approval of the special exception.

The subject property is Lot 7, Block 2 of the George P. Sacks Subdivision, located at 7008 Wisconsin Avenue, Bethesda, Maryland 20815-6107, in the CBD-1 Zone.

Decision of the Board: Special Exception **Granted** Subject to
The Conditions Enumerated Below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on January 5, 2011. After careful consideration and review of the record, the Board adopts the Report and Recommendation and grants the special exception subject to the following conditions:

1. The Petitioner shall be bound by all of its testimony and exhibits of record, and by the testimony of its witnesses and representations of counsel identified in the Hearing Examiner's Report and Recommendation and in this opinion.

2. The number of employees on site at any given time must not exceed ten (10).
3. Outdoor automobile displays must be limited to five (5) automobiles.
4. Floor area for the use is limited to 8,023 square feet.
5. Petitioner must not provide automobile repair services on site.
6. Petitioner must ensure that parking for the use is accommodated by participation in the Bethesda Parking Lot District, although the actual payments for such participation may be made by Petitioner or the property owner.
7. In the event that there are any future structural additions or a demolition of the existing improvements and reconstruction, conformance with the Bethesda streetscape requirements and other requirements for new development in the Bethesda CBD must be followed.
8. No sign may be posted unless and until Petitioner obtains a permit therefor and a sign variance, if required, and copies of these documents are filed with the Board of Appeals.
9. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by David K. Perdue, Vice-Chair, seconded by Stanley B. Boyd, with Walter S. Booth and Catherine G. Titus, Chair, in agreement and Carolyn J. Shawaker necessarily absent, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Catherine G. Titus
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 10th day of February, 2011.

Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

See Section 59-A-4.53 of the Zoning Ordinance regarding the twenty-four months' period within which the special exception granted by the Board must be exercised.